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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,819	10/30/1998	THOMAS H. BAKER	60980005DXH9	3549
22879	7590	02/20/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			HUFFMAN, JULIAN D	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No. 09/183,819	Applicant(s) BAKER ET AL.	
	Examiner Julian D. Huffman	Art Unit 2853	

--Th MAILING DATE of this communication app ars on th cov r sh t with th correspond nce address --

THE REPLY FILED 03 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): The 112 first paragraph rejection of claim 14.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See 10 Below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1,2,6,7,9-11,14-25,27-36,43-49 and 52.

Claim(s) objected to: _____.

Claim(s) rejected: 8,50 and 51.

Claim(s) withdrawn from consideration: 37-41.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Applicant states that errors were made in the amendment filed on July 7th. and requested that the examiner correct these errors via examiner's amendment. It is applicant's burden to correct formal matters after final rejection in the application. See 37 CFR 1.113 (c). Further the changes cannot be made by examiner's amendment since they change the scope of the claims after final rejection and require reconsideration of all cited references and further search. Additionally, the amendment cannot be made since, though the limitations were present in the Cobbs et al. reference, this reference has not been properly incorporated by reference, and the amendment would constitute new matter. Applicant may amend the specification to clearly point out that the Cobbs et al. reference is incorporated by reference. Such an amendment to the specification would be entered by the examiner. Failure to correct the error in the claims will not place the claims in condition for allowance due to the 112 first paragraph rejection. Failure to amend the specification to properly incorporate the Cobbs et al. reference will require the aforementioned correction to the claims to constitute new matter. Applicant's argument regarding the limitation that the low velocity is a fraction of the marking speed is persuasive. This rejection of claim 14 is thus withdrawn and the claim is allowed. Applicant's argument regarding the 112 first paragraph rejection of claims 50 and 51 is not persuasive. The specification does not support the accuracy being a fraction of the dimension and applicant's statement that "it goes without saying" is not persuasive



Thinh Nguyen
Primary Examiner
Technology Center 2800